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MEMO ENDORSED

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July 23, 2009

VIA FACSIMILE ((212) 805-7927)

Hon. Naomi Reice Buchwald
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

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Re: Sirius XM Radio Inc. v. Technology Properties Ltd., et al.,
Civil Action No. 09 Civ. 4083

Dear Judge Buchwald:

MEMO ENDORSE

This firm represents Plaintiff Sirius XM Radio Inc. in the above action, in which Defendants' motion to dismiss or, in the alternative, to transfer is (as of Monday, July 21) fully briefed.

Both sides have requested oral argument, but we understand that it is the Court's practice - even when all parties seek oral argument - to determine whether oral argument will be heard. We write respectfully to reiterate Sirius XM's request for oral argument and to request, alternatively, leave to submit a letter of up to three pages, in each case so that Sirius XM may have the opportunity to respond to a new factual argument, accompanied by new exhibits, submitted by Defendants for the first time in their reply papers. (Reply Mem. at -2; Joesten Reply Decl. Exhs. B, C, D).

Specifically, Defendants - having now conceded that there is no overlap between the two Fast Logic Patents at issue in this action but not in the Northern District of California actions - focus their attempt to prove a potential for duplicative judicial work on the assertion that "the three Plaintiffs in the California Actions have actually proposed over 50 additional MMP patent claim terms for construction." (Reply Mem. 1; see also id. at 1-2). Sirius XM would like the opportunity, at oral argument, or in a short letter, to explain how the patent rules for the Northern District of California impose a schedule for the parties to negotiate claim construction issues; how the 50 claim terms given emphasis in the opposition brief merely reflect the three California plaintiffs' initial identification of claim terms for construction from the claims at issue for their several products; how the meaning of most of these terms is likely to be agreed upon by the parties and thus unlikely to require construction by Judge Fogel - or any

Plaintiff
may submit
a three
page letter.
Whether
oral
argument
is held
will be
decided
at a later
date.
So ordered.
JSC
7/27/09

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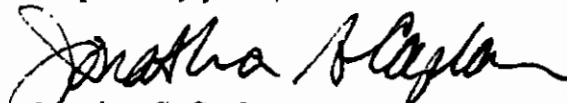
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court - by the time the parties complete the claim construction process; and how the number of claim terms requiring judicial construction is likely to be closer to the 9 terms Defendants themselves have proposed in the California Action, than the 50 they now suggest.

Respectfully yours,



Jonathan S. Caplan

cc: Nan E. Joesten, Esq. (Via E-mail)
Charles T. Hoge, Esq. (Via E-mail)